
DRAFT STATUTORY INSTRUMENTS

2012 No.

The Protection of Freedoms Act 2012 (Disclosure and
Barring Service Transfer of Functions) Order 2012

PART 4

Transitional provisions

Appeals and legal proceedings

101. Any appeal under section 4 of the 2006 Act, under article 8 of the 2007 Order or resulting from any decision made under the 2008 Northern Ireland Transitional Provisions Order or the 2008 Transitional Provisions Order, or any other legal proceedings being taken against ISA (or any further appeal or other legal proceedings which may be taken by ISA) at the time ISA's functions are transferred by this Order to DBS shall, from that time, lie against (or may be taken by, as the case may be) DBS.

102.—(1) DBS shall be substituted as the respondent (or the appellant, or as any other party, as the case may be) in any legal proceedings against or brought by ISA which are not completed at the time ISA's functions are transferred by this Order to DBS.

(2) The substitution of DBS as the respondent (or the appellant, or as any other party, as the case may be) shall not affect the operation of any time limits in any such legal proceedings.

Information

103. Any information which is held by ISA at the time ISA's functions are transferred by this Order to DBS shall, at that time, be transferred to DBS.

Representations

104.—(1) Any representations which can be made to ISA under paragraph 2, 3, 5, 8, 9, 11, 16 or 17 of Schedule 3 to the 2006 Act, under paragraph 2, 3, 5, 8, 9, 11, 16 or 17 of Schedule 1 to the 2007 Order or under the 2008 Northern Ireland Transitional Provisions Order or the 2008 Transitional Provisions Order at the time ISA's functions are transferred by this Order to DBS may, from that time, be made to DBS.

(2) No person need, as a result of the transfer of ISA's functions to DBS, re-submit any representations that they have previously submitted to ISA.

105.—(1) Any representations which can be made to the Secretary of State under section 120AB of the 1997 Act at the time the Secretary of State's functions under that section are transferred to DBS by this Order may, from that time, be made to DBS.

(2) No person need, as a result of the transfer of the Secretary of State's functions to DBS, re-submit any representations that they have previously submitted to the Secretary of State.

Reviews

106. Any reviews being carried out by ISA under paragraph 18 or 18A of Schedule 3 to the 2006 Act, paragraph 18 or 18A of Schedule 1 to the 2007 Order or articles 7 and 8 of the Protection of Freedoms Act 2012 (Commencement No. 3) Order 2012(1) at the time ISA's functions under the 2006 Act and the 2007 Order are transferred to DBS by this Order shall, from that time, be carried out by DBS.

107. Any application for a review received by ISA prior to the time ISA's functions are transferred by this Order to DBS shall, from that time, be considered by DBS.

Report and accounts

108.—(1) DBS must prepare reports and accounts in relation to ISA's final financial year in accordance with paragraphs 9 and 12 of Schedule 1 to the 2006 Act (despite the repeal of that Schedule by article 125).

(2) For that purpose ISA's final financial year is the period 1st April 2012 to 30th November 2012.

Advice

109. Any request for advice that is made to ISA by the Secretary of State under paragraph 1 of Schedule 8 to the 2006 Act or made to ISA by the Northern Ireland Department of Health, Social Services and Public Safety or the Northern Ireland Department of Education under paragraph 1 of Schedule 6 to the 2007 Order prior to ISA's functions under the 2006 Act and the 2007 Order being transferred to DBS by this Order, shall be complied with by DBS.

Registration

110. Any person who is a registered person under sections 120 and 120ZA of the 1997 Act at the time the function of maintaining the register under section 120 of the 1997 Act is transferred from the Secretary of State to DBS by this Order shall have their registration transferred to the register maintained by DBS under section 120 of the 1997 Act.